

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Heleen Mees,

Plaintiff,

—v—

City of New York, *et al.*,

Defendants.

19-cv-7346 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

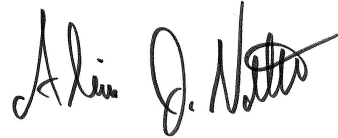
Plaintiff has asked whether this case is automatically stayed in the District Court pending appeal and whether this Court agrees to stay this proceeding. “[T]he filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” *Motorola Credit Corp. v. Uzan*, 388 F.3d 39, 53 (2d Cir. 2004) (quoting *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58, (1982)). Plaintiff’s appeal is of the denial of leave to file a notice of claim for state law claims. Because the remaining issues in this case, namely the motion to dismiss Plaintiff’s federal claims, are not “involved in” the appeal at issue, this Court has “jurisdiction to continue with the case.” *Motorola Credit Corp.*, 388 F.3d at 53. Moreover, a stay of this action is not warranted as there are “a number of independent issues that should proceed while awaiting the Second Circuit’s decision.” *Chen-Oster v. Goldman*, No. 10-cv-6950, 2017 U.S. Dist. LEXIS 106406, at *10 (S.D.N.Y. June 14, 2017).

Accordingly, Plaintiff’s motion is denied.

This resolves Dkt. No. 67.

SO ORDERED.

Dated: May 19, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", with a stylized flourish at the end.

ALISON J. NATHAN
United States District Judge